

# ***Town Board Minutes***

December 15, 2003

Meeting No. 44

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15<sup>th</sup> day of December 2003 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
SUZANNE BLANK, CLERK TYPIST

## **PERSONS ADDRESSING TOWN BOARD:**

**Davis, Jeff**, 218 Calumet Street, spoke to the Town Board on the following matter:

- Questions regarding the location of property on Como Park Blvd which is the subject of a rezone application.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the Town Board held December 1, 2003 and the Regular Meeting of the Town Board held December 1, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and  
the Town Board held December 3, 2003 and the Special Meeting of the Town Board held  
December 3, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is necessary to make various transfers within the 2003 budget accounts of the Town of Lancaster at the close of Town business on December 31, 2003.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such transfers to all over-expended accounts from available funds in the 2003 Budget, including unappropriated fund balances, upon the close of Town business on December 31, 2003.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Supervisor of the Town of Lancaster has determined that certain of the Town’s Capital Projects are deemed to be completed, and

**WHEREAS**, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town’s books be closed (with the exception of those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the project and/or subsequent retirement of said debt), and

**BE IT FURTHER**

**RESOLVED**, that the cash balances, as specified below, of the following Capital Projects of the Town of Lancaster, are to be transferred to the “Reserve for Debt Service” accounts of their operating fund, also specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Fund</u>
Highway Equipment	143	03/18/02	\$9,092.50	Highway Fund - TOV
Records Storage Facility	144	n/a (grant)	0.00	General - Townwide

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster, on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2004 and 2005, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which such recreational area will be utilized by the Town of Lancaster.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That the Supervisor be and hereby is authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease by said Association to the Town of Lancaster of its play area on its premises at 4999 William Street in Lancaster, for the operation of the Town’s Recreation Program during its normal summer season for the years of 2004 and 2005, and
- 2. That the Town Attomey make distribution of executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility on Main Street, Bowmansville, in the Town of Lancaster, on property owned by the Bowmansville Volunteer Fire Association, Inc., for the years 2004 and 2005, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which said recreational area will be utilized by the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Bowmansville Volunteer Fire Association, Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises on Main Street, Bowmansville, within the Town of Lancaster, for the operation of the Town's Recreation Program during its normal summer season for the years 2004 and 2005.

2. That the Town Attorney make distribution of the executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** it is essential to public safety that the Town of Lancaster  
continue its participation in the coordinated effort to reduce alcohol related traffic injuries and  
fatalities, and

**WHEREAS,** the County of Erie has tendered an application to the Town of  
Lancaster for participation in said coordinated effort for the year 2003.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Supervisor be and hereby is authorized and directed to  
execute on behalf of the Town of Lancaster, the 2003 Application with the County of Erie for  
participation in funding of alcohol related traffic safety law enforcement activities under the  
2003 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Building Inspectors Office for the Town of Lancaster is presently located in premises owned by the Lancaster Village Partnership under a lease agreement which expires on December 31, 2003, and

**WHEREAS**, the Town Board has an option to renew the said lease for a one year period commencing January 1, 2004 and terminating December 31, 2004 at an annual rental of \$17,800, and

**WHEREAS**, the Town Board has duly considered the option to renew and the need to continue the Building Inspectors Office in its present location;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to notify the Lancaster Village Partnership in writing that the Town will exercise its option to renew the lease for a one year period as is set out in the present lease agreement at the annual rental of \$17,800.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, THEODORE B. KULBACKI**, 2 Wendling Court, Lancaster, New York 14086, the contract vendee of a parcel of property located on Como Park Boulevard (SBL No. 115-.01-2-2.12, on the south side of Como Park Boulevard, west of the intersection of Como Park Boulevard and Penora Street and directly to the west of Edukids Early Childcare Center) in the Town of Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from a R-2, Residential District Two to RCO, Residential Commercial Office, and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of January, 2004, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on January 8, 2004, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

**LEGAL NOTICE  
PUBLIC HEARING  
REZONE - COMO PARK BOULEVARD, SBL NO. 115.01-2-2.12  
SOUTH SIDE OF COMO PARK BOULEVARD, WEST OF THE INTERSECTION OF COMO  
PARK BOULEVARD AND PENORA STREET AND DIRECTLY TO THE WEST OF  
EDUKIDS EARLY CHILDCARE CENTER  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, and adopted on the 15th day of December, 2003, the said Town Board will hold a Public Hearing on the 20th day of January, 2004 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a R-2, Residential District Two to RCO, Residential Commercial Office:

**ALL THAT TRACT OF PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 9, Section 10, Township 11, Range 6 of the Holland Land Survey and further distinguished as part of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014, more particularly bounded and described as follows:

**COMMENCING** at the intersection of the existing southerly highway boundary of Como Park Boulevard with the east line of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014;

**THENCE** westerly along the southerly line of Como Park Boulevard a distance of 255.18 feet to the Point or Place of Beginning, said point being the north west corner of lands conveyed to the Town of Lancaster Industrial Development Agency by deed filed in the Erie County Clerks office in Liber 10888 of deeds at page 8002;

**THENCE** southerly along the westerly line of lands conveyed to the Town of Lancaster Industrial Development Agency a distance of 200.00 feet to the southwest corner of lands conveyed to the Town of Lancaster Industrial Agency, said point also being a point on the north line of lands conveyed to the United States Postal Service by deed filed in the Erie County Clerks Office in Liber 10932 of deeds at page 8835;

**THENCE** westerly, along the northerly line of lands conveyed to the United States Postal Service a distance of 145.19 feet to an angle point in the lands conveyed to the United States Postal Service;

**THENCE** northerly, along the easterly line of lands conveyed to the United States Postal Service a distance 182.83 feet to a point in the southerly line of Como Park Boulevard;

**THENCE** easterly along the southerly line of Como Park Boulevard a distance of 147.13 feet to the Point or Place of Beginning, containing 0.640 acre more or less.

**SAID** parcel generally described as being located approximately 518 feet west of the intersection of Como Park Boulevard and Penora Street on the southerly side of Como Park Boulevard. Said parcel is identified as tax parcel 115.01-2-2.12.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** the Lancaster/Depew Meals on Wheels desires to enter into a contractual arrangement with the Town to continue the provision of meals to housebound seniors, and

**WHEREAS,** the Town Board has given due review and consideration to this request and deems it in the public interest for the Town to enter into a contract to provide for the continuation of this meal service for seniors.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with the Meals on Wheels of Buffalo and Erie County, Inc. to provide the continuation of the meal program for housebound seniors, the Town to provide under this contract the sum of up to \$10,000 for the year 2004 and to further provide for the payment of \$9,000 to cover a portion of the costs incurred for 2003.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC.,**  
offers a program for retarded adults in the communities of Lancaster, Alden, Marilla, Elma,  
East Aurora, Aurora and Wales, and

**WHEREAS,** this program consists of development, pre-vocational and work  
activities training program for those individuals in the range of mild to severe retardation, and

**WHEREAS,** the Center is presently located at 181 Lincoln Street, Depew,  
New York and its services in the area of evaluation, tutoring, development of self-help skills,  
personal adjustment training, recreation and counseling would be of substantial benefit to  
residents of the Town of Lancaster, and

**WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC.,** by  
letter dated December 1, 2003 has offered to contract with the Town of Lancaster for the  
aforementioned services during the year 2004 for the total sum of Three Thousand Dollars  
(\$3,000).

**NOW, THEREFORE, BE IT**

**RESOLVED,** as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the  
Supervisor to execute an Agreement with **Southeast Community Work Center, Inc.,** for a  
program for retarded adults residing in the Town of Lancaster for developmental, pre-  
vocational and work activities training program for those individuals in the range of mild to  
severe retardation, and evaluation, tutoring and development of self-help skills, personal  
adjustment training, recreation and counseling, and
2. That the sum of Three Thousand Dollars (\$3,000) be paid in four equal  
quarterly payments: January 1st, April 1st, July 1st, and October 1st, 2004.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, SOUTHEAST WORKS** provides general cleaning services to  
the Town of Lancaster at the Town Court and Police Headquarters Building through its  
Supported Employment Program, and

**WHEREAS,** the Town Board deems it in the public interest to continue this  
service.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby  
authorizes the Supervisor of the Town of Lancaster to execute a contract with the Southeast  
Works which will provide for a continuation of cleaning services at the Town Court and Police  
Headquarters Building located at 525 Pavement Road, Lancaster, New York .

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, the Town of Lancaster is in the process of considering the adoption of an Amendment to the Zoning Code of the Town of Lancaster to provide for a temporary moratorium on the storage of hazardous materials collected for disposal in any zoning classification in the Town until the Town Board can act to amend the Zoning Code to provide for such uses within a limited area of the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster after due consideration deems it in the public interest to enact and commence the moratorium period for six months with respect to the storage of hazardous materials collected for disposal, and

**WHEREAS**, the Town Board has determined it to be in the public interest to enact a Local Law of the Year 2004, designated as “Moratorium on Storage of Hazardous Materials Collected for Disposal”, as follows:

**Proposed**  
**LOCAL LAW**  
**Of the Year**  
**2004**

**A LOCAL LAW TO IMPOSE A MORATORIUM ON USES THAT MAY OTHERWISE BE PERMITTED IN CHAPTER 50 OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED “ZONING”, TO WIT: THE AMENDMENT OF CHAPTER 50 BY ADDING THERETO §50-52, “MORATORIUM ON STORAGE OF HAZARDOUS MATERIALS COLLECTED FOR DISPOSAL” AS A PRINCIPAL USE OF PROPERTY BE IT PERMANENT OR TEMPORARY.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, as follows:

**Section 1.**

The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 2004, which shall be entitled: “Moratorium on Storage of Hazardous Materials Collected for Disposal”.

**MORATORIUM ON STORAGE OF HAZARDOUS MATERIALS  
COLLECTED FOR DISPOSAL**

<b>§50-52.1</b>	<b>Title.</b>
<b>§50-52.2</b>	<b>Purpose.</b>
<b>§50-52.3</b>	<b>Jurisdiction.</b>
<b>§50-52.4</b>	<b>Definitions.</b>
<b>§50-52.5</b>	<b>Temporary limitations.</b>
<b>§50-52.6</b>	<b>Severability.</b>
<b>§50-52.7</b>	<b>Supersession of statutory provisions.</b>
<b>§50-52.8</b>	<b>When effective.</b>

**§50-52.1. Title.**

This chapter shall hereinafter be known and cited as “Moratorium on Storage of Hazardous Materials Collected for Disposal” of the Town of Lancaster and further designated as Chapter 50, Section 52 of the Code of the Town of the Town of Lancaster.

**§50-52.2. Purpose.**

- A. It is the purpose of this chapter to temporarily limit the use of property for a principal purpose of storage and warehousing hazardous materials collected for disposal until such time as the Town of Lancaster amends the Zoning Code to address the storage of hazardous materials in a General Industrial zoning classification.
- B. Further, it is the purpose of this chapter to fulfill the Town’s constitutional, statutory and legal obligations to protect and preserve the public health, welfare and safety of the residents of the Town of Lancaster and to protect the value, use and enjoyment of property within the town.



**§50-52.3. Jurisdiction.**

This chapter shall apply to the entire Town of Lancaster, excluding the Villages of Lancaster and Depew.

**§50-52.4. Definitions.**

For purposes of this chapter, the terms used herein shall be defined as follows:

**HAZARDOUS MATERIALS** - All materials classified by NYSDEC as a hazardous material.

**PRINCIPAL USE** - That use to which the premises is generally devoted, to wit the collection of hazardous materials for disposal, whether permanent or temporary in nature.

**§50-52.5. Temporary limitation.**

- A. For a period commencing on the effective date of this chapter and terminating six (6) months from the effective date, no new storage and warehousing of hazardous materials collected for disposal within any zoning classification may be carried out except as is incidental to any lawful and permitted use.

**§50-52.6 Severability.**

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

**§50-52.7. Supersedure of statutory provisions.**

All statutory provision of Town Law and local law are hereby superceded.

**§50-52.8. When effective.**

This chapter shall become effective upon filing with the Secretary of State.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2004, which local law enacts and commences a moratorium against the use of any zoning classifications for storage and warehousing entitled “Moratorium on Storage of Hazardous Materials Collected for Disposal” be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 11:30 o’clock A.M., Local Time, on the 1<sup>st</sup> day of January, 2004, and that Notice of the Time and Place of such Hearing shall be published on December 25, 2003, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2004, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTE YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted December 15, 2003, the said Town Board will hold a Public Hearing on the 1<sup>st</sup> day of January, 2004 at 11:30 o'clock A.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2004, which Local Law enacts and commences a moratorium against the use of any zoning classifications for storage and warehousing entitled "Moratorium on Storage of Hazardous Materials Collected for Disposal", briefly described as follows:

**"A LOCAL LAW TO IMPOSE A MORATORIUM ON USES THAT MAY OTHERWISE BE PERMITTED IN CHAPTER 50 OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "ZONING" TO WIT: BY THE AMENDMENT OF CHAPTER 50 BY ADDING THERETO §50-52, "MORATORIUM ON STORAGE OF HAZARDOUS MATERIALS COLLECTED FOR DISPOSAL" AS A PRINCIPAL USE OF PROPERTY BE IT PERMANENT OR TEMPORARY.**

A complete copy of this proposed Local Law of the Year 2004, entitled "Moratorium on Storage of Hazardous Materials Collected For Disposal", and designated as Chapter 50-52 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

December 15, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore provided a Nutrition Program Congregate Dining Site for the Elderly, and

**WHEREAS**, it is necessary to execute an Agreement between the Town of Lancaster and the County of Erie for the continuance of this program in 2004.

**NOW THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That the Supervisor be and is hereby authorized to execute an Agreement between the Town of Lancaster and the County of Erie for the operation of a Nutrition Program Congregate Dining Site for the Elderly for the year 2004, and
- 2. That the Director of Administration and Finance be and is hereby authorized to sign vouchers with funds to be received by the Supervisor.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS,** Kristine Jablonski is presently a Clerk, part time in the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster, and

**WHEREAS,** the General Crew Chief of the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster by letter dated, December 11, 2003 has requested that Kristine Jablonski be appointed full time to the position of Clerk Typist, and

**WHEREAS,** Kristine Jablonski currently is positioned in the top three candidates on the Erie County Civil Service list of candidates eligible for appointment to the position of Clerk Typist and therefore is eligible for appointment to this position.

**NOW, THEREFORE, BE IT**

**RESOLVED,** as follows:

1. That **KRISTINE JABLONSKI**, 17 Squirrel Run, Lancaster, New York 14086, be and is hereby appointed to the Civil Service position of Clerk Typist, full-time in the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster.
2. That the salary for this position is \$32,381 as established in the current CSEA White Collar contract and set forth in the 2003 Schedule of Salaries adopted by the Town Board on January 6, 2003, with full benefits.
3. That this appointment shall take effect December 16, 2003.
4. That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 5987 to Claim No. 6282 Inclusive

Total amount hereby authorized to be paid: \$329,577.31

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.
- (CSW) = Conditional sidewalk waiver.
- (V/L) = Village of Lancaster

**NEW PERMITS:**

11386	Ferry Builders Inc	42 Greenbriar Dr	Er. Dwlg.-Sin.	
11387	Kmiotek, Ronald	4729 Transit Rd	Er. Comm. Plmg	
11388	Wodowski, James	22 Fox Hunt Rd	Er. Res. Plmg	
11389	Duro-Shed Inc	1333 Ransom Rd	Er. Shed	
11390 SW	Triton Homes	641 Ransom Rd	Er. Dwlg.-Sin.	
11391	Ulrich Sign Co	6375 Transit Rd	Er. Sign-Wall	
11392	Cahalan, John	5774 Broadway	Er. Shed	
11393	Nowak, Andrew	16 Holland Ave	Er. Fence	(V/L)
11394	Central Fireplace	33 Iroquois Ave	Er. Fireplace	(V/L)
11395	Forbes Homes Inc	6 Valley Overlook Dr	Er. Dwlg.-Sin.	
11396	Moellar Sign Co	4779 Transit Rd	Er. Sign-Wall	
11397	Patio Enclosures Inc	10 Whitestone Ln	Er. Res. Add.	
11398	Iroquois Fence Inc	22 Village View	Er. Fence	
11399	North Forest Properties	2801 Wehrle Dr	Er. Sign-Wall	
11400	City Fence Inc	225 Erie St	Er. Fence	(V/L)
11401	Schneider, Brian	72 Stutzman Rd	Er. Deck	
11402	Franzone, Anthony	96 Newberry Ln	Er. Res. Alt.	
11403	Empire Forster Sign	6363 Transit Rd	Er. Sign-Wall	
11404	Marrano/Marc Equity	24 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11405	Marrano/Marc Equity	38 Cedar Brook Dr	Er. Dwlg.-Sin.	
11406	Seneca Fence	753 Aurora St	Er. Fence	
11407	Complete Home Remdlg	196 Enchanted Forest S	Er. Res. Add.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for  
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance  
requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Stempniak, by voice vote, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish a New 2004 Police Vehicle, for use by the Police Department, and

**WHEREAS**, the Public Safety Committee of the Town Board has approved such request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on December 30, 2003 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of a New 2004 Police Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 15, 2003

**LEGAL NOTICE**  
**TOWN OF LANCASTER**  
**NOTICE TO BIDDERS**  
**AND/OR**  
**AUTOMOBILE DEALERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 30th day of December, 2003, for furnishing to the Police Department of the Town of Lancaster, New York, for a New 2004 Police Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
**Town Clerk**

December 15, 2003

**COMMUNICATIONS & REPORTS:**

688. Mr. & Mrs. Charles McConnaughey to Town Board -  
Letter of complaint regarding Northwood Townhouse Association.  
DISPOSITION = Received & Filed
689. Alison Helms & Tonia Prelewicz to Town Board -  
Comments and concerns regarding proposed rezone of 5067 William Street.  
DISPOSITION = Planning Committee
690. Village of Lancaster to Town Board -  
Minutes of official meeting held November 24, 2003. DISPOSITION = Received & Filed
691. Bowmansville VFA to Town Clerk -  
Advisement of application by Bowmansville Volunteer Fire Association Inc. for renewal of liquor license. DISPOSITION = Town Attorney
692. Erie County Department of Environment & Planning to Town Attorney -  
Notification of Lead Agency Designation to Town of Lancaster regarding Epic Recreational Center Expansion; comments noted. DISPOSITION = Planning Committee
693. Town Clerk to Town Board -  
Transmittal of monthly report for November 2003. DISPOSITION = Received & Filed
694. Erie County Department of Environment & Planning to Town Attorney -  
Notification of Lead Agency Designation to Town of Lancaster regarding proposed Whispering Pines Subdivision, Aurora Street; comments noted. DISPOSITION = Planning Committee
695. Stuart & Karen Hauser to Planning Board Chairman -  
Concerns regarding drainage on Rollingwood Drive and traffic situation on William Street. DISPOSITION = Town Engineer
696. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation to Town of Lancaster regarding proposed office building on Como Park Blvd.; comments noted. DISPOSITION = Planning Committee
697. NYS DOT to Town Attorney -  
Comments regarding the October 2003 Traffic Impact Study for proposed Kohl's Department Store, 4827 & 4839 Transit Road. DISPOSITION = Planning Committee
698. Bee Group Newspapers to Town Board -  
Request designation of Lancaster Bee as official newspaper for 2004.  
DISPOSITION = Resolution 1/1/04
699. Bella Vista Group to Supervisor -  
Letter regarding special use permit application for Onyx Environmental.  
DISPOSITION = Planning Committee
700. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held December 3, 2003.  
DISPOSITION = Received & Filed
701. Planning Board to Town Board -  
Recommend approval of General Business Offices (Kulbacki - Hunt Real Estate), Como Park Boulevard with conditions. DISPOSITION = Received & Filed
702. Planning Board to Town Board -  
Recommend approval of Preliminary Plat, Columbia Gardens Subdivision, N. of Columbia Avenue, S. of Kennedy Court with conditions. DISPOSITION = Received & Filed

703. Planning Board to Town Board -  
Notice of adjournment until December 17, 2003 of rezone application for Patio  
Homes by Natale, 5067 William Street. DISPOSITION = Planning Committee
704. General Crew Chief to Supervisor -  
Request appointment of Kristine Jablonski to position of Clerk Typist in the Parks  
Department. DISPOSITION = Resolution 12/15/03

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY  
COUNCIL MEMBER MONTGOMERY AND CARRIED, the meeting was adjourned at 8:41 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk